

REMARKS

Claims 1, 3, 4, 6, 8-11, 13, 14, 16-23, 25, 27, 28, 30, 32-38 and 40-47 are in the case and presented for reconsideration. Claims 1, 4, 8, 16, 25, 28, 32 and 40 have been amended. No new matter has been added. Claims 5, 12 and 29 have been cancelled.

Claims 1, 4, 8, 16, 25, 28, 32 and 40 have been amended in order to more particularly point out that the apparatus and method for determining the position of an object within a body of a subject in accordance with the present invention wherein the apparatus and method further comprises processing these signals so as to determine position and orientation coordinates of the object in the body. The support for this amendment can be found in the Applicant's Specification, for example, Page 6, Lines 11-14.

Claims 1, 3-6, 8, 12, 16, 25, 27, 28, 30, 32 and 40 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0051766 (Gadzdinski). Claims 13, 14, 20-23, 29, 36-38 and 44-47 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gadzdinski in view of U.S. Patent No. 6,073,043 (Schneider). Claims 9, 10, 11, 17-19, 33-35 and 41-43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gadzdinski in view of U.S. Patent No. 5,689,576 (Schneider et al.).

With respect to the cited prior art references, Gazdzinski teaches an endoscopic smart probe and method wherein the probe "operates autonomously of external devices and is sized and shaped such that it may be introduced into the esophagus and ultimately small intestine of the patient undergoing examination/treatment." See Paragraph No. [0042]. Additionally, miniature sensors such as a charge-coupled device (CCD) camera and a fiber optic/diode illumination system are used with the probe.

Although this reference does address tracking the probe location, there is absolutely no teaching or suggestion of being able to determine position and orientation coordinates of the probe in the body. Accordingly, Gazdzinski does not teach or suggest an apparatus or method that can determine the accurate position of an object within the body by determining both the

position and orientation coordinates of the object in the body such as found with the Applicant's claimed present invention.

Schneider ('043) describes a method and apparatus for measuring position and orientation using magnetic fields wherein the system is used for locating the end of a catheter or endoscope. Schneider does not teach or suggest an apparatus and method for determining the position of an object within the body of a subject that uses either (1) at least one acoustic wave generator and a wireless acoustic tag; (2) at least one acoustic wave generator and a wireless electromagnetic tag; or (3) at least one electromagnetic generator and an acoustic tag wherein each of these generator and wireless tag combinations are used to determine both the position and orientation coordinates of the object in the body such as found with the Applicant's novel claimed invention.

Schneider et al. ('576) describes surface feature mapping using high resolution c-scan ultrasonography. The Schneider et al. system and method is particularly directed toward fingerprint imaging and is not related to Applicant's claimed present invention in any way.

Thus, upon closer review of Gazdzinski, Schneider ('043), and Schneider et al. ('576), neither of these prior art references, either alone or in combination with each other, teach or suggest an apparatus and method for determining the position of an object within the body of a subject that uses either (1) at least one acoustic wave generator and a wireless acoustic tag; (2) at least one acoustic wave generator and a wireless electromagnetic tag; or (3) at least one electromagnetic generator and an acoustic tag wherein each of these generator and wireless tag combinations are used to determine both the position and orientation coordinates of the object in the body such as found with the Applicant's novel claimed invention.

Accordingly, by this Amendment and for the reasons outlined above, Applicant's claimed present invention is neither anticipated by nor rendered obvious by the cited prior art references and favorable action is respectfully requested.

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